

SENATE BILL 241

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, relative to testing to determine the
alcoholic content of a person's blood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by adding
the following new subsection:

(f)

(1) When the driver of a motor vehicle is involved in an accident resulting
in loss of human life or when there is reason to believe loss of human life may
result, and upon investigation at the scene of the accident, there exists probable
cause to believe that the driver is guilty of a violation of §§ 55-10-401, 39-13-106,
39-13-213(a)(2) or 39-13-218, the law enforcement officer who responds to the
accident shall:

(A) if the driver is injured and taken to a medical facility, request
in writing that a person authorized by this section administer a test to the
driver for the purpose of determining the alcoholic content of the driver's
blood;

(B) if the driver is not injured and remains at the scene of the
accident, administer a test at the scene or transport the driver to a person
authorized to administer a test pursuant to this section and request in
writing that such person test the driver for the purpose of determining the
alcoholic content of the driver's blood;

(C) if the driver has been fatally injured, request in writing from the medical examiner or coroner that a test be given to determine the alcoholic content of the driver's blood.

(2) The results of such test or tests shall be reported pursuant to § 55-10-409 to the requesting law enforcement agency who shall report the results to the Tennessee department of safety. The department shall tabulate such results on a monthly basis.

(3) The tests given in subdivision (A),(B) and (C) shall be performed in accordance with the procedure set forth in this section and § 55-10-410.

(4) The admissibility in evidence of the chemical analysis of the content of the driver's blood in a criminal prosecution performed pursuant to this subsection shall be determined and governed by the Tennessee Rules of Evidence and other provisions of this section.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.